

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**CHRISTOPHER MICHAEL HALE,**

**Plaintiff,**

v.

**No. 12-cv-0869 JP/SMV**

**LT. J. VIGIL et al.,**

**Defendants.**

**ORDER FOR PLAINTIFF TO FILE AN IN FORMA  
PAUPERIS APPLICATION OR TO PAY THE FILING FEE**

This matter is before the Court sua sponte. By order entered on August 17, 2012, the Court directed Plaintiff to cure deficiencies in his motion to proceed in forma pauperis (“IFP”) under 28 U.S.C. § 1915. Order to Cure Deficiency [Doc. 5]. The docket reflects no response to the August 17 Order except a short letter [Doc. 13] inquiring about the deficiency. On September 14, 2012, Plaintiff filed a notice of change of address. [Doc. 12]. Because Plaintiff’s notice of change of address indicates that he is no longer incarcerated, the Court will require him to file an amended IFP application. *See McGann v. Comm’r, Soc. Sec. Admin.*, 96 F.3d 28, 30 (2d Cir. 1996); *see also Scherer v. Kansas*, No. 07-3084, 263 F. App’x 667, 668-69 (10th Cir. Feb. 4, 2008) (unpublished) (noting that past decisions regarding a litigant’s IFP status are not determinative of that litigant’s present financial status). If Plaintiff chooses not to file an IFP application, he must pay the Court’s filing fee in full. Failure to comply with this Order may result in dismissal of Plaintiff’s Complaint.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that within fourteen days from entry of this Order, Plaintiff must either submit an amended, properly completed IFP application, or pay the filing fee.

**IT IS FURTHER ORDERED** that the Clerk is directed to send Plaintiff a form IFP application.

**IT IS SO ORDERED.**



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STEPHAN M. VIDMAR  
United States Magistrate Judge